REMARKS

SUMMARY OF THE OFFICE ACTION

In the Office Action, Claims 1, 2, 4-12 and 14-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over David et al. (U.S. Patent No. 6,792,125) in view of Schroeder et al. (U.S. Patent No. 4,122,315) in view of Gefvert (U.S. Patent No. 4,502,149) and further in view of Kashiwabara (U.S. Patent No. 4,552,242). Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over David et al. in view of Schroeder et al. in view of Gefvert in view of Kashiwabara and further in view of Pfister (U.S. Patent No. 6,612,262).

With respect to Applicant's arguments filed December 04, 2006, the Examiner indicated that Applicant's arguments with respect to Claims 1-12 and 14-15 have been considered but are not persuasive.

APPLICANT'S RESPONSE

Claim 1

In the Office Action, Claim 1 was rejected under 35 U.S.C. § 103 as being unpatentable over David et al., in view of Schroeder et al., in view of Gefvert and further in view of Kashiwabara.

Applicant's invention includes a midrange/tweeter module, supported by a yoke, which permits translation about the speaker axis. Claim 1 as amended recites "a midrange/tweeter module, comprising a midrange speaker and a separate tweeter speaker, the module being centered on the speaker axis in compressive engagement with the compression module, the module being rotatable about the central speaker axis." Applicant's invention contemplates a midrange/tweeter module that is rotatable about the central speaker axis while maintaining a three speaker coaxial configuration. Additionally, the midrange and tweeter speakers are co-located on a module and the

module may translate about the central speaker axis for aiming the midrange and tweeter speakers in a particular direction.

The midrange/tweeter module being rotatable about the central speaker axis is supported in the specification. Paragraph 0004 discloses a midrange/tweeter module in compressive engagement with a compression member. Paragraph 0005 discloses the compression member formed to have a slotted outer surface for rotationally fixed engagement to the bass speaker. Thus, it is obvious that one having ordinary art in the skill would understand that because the midrange/tweeter module is engaged to the compression member, rotation of the compression member results in rotation of the module.

The ability of the module to translate and rotate about the speaker axis is highly desirable for wall or ceiling mounted speakers. Wall or ceiling mounted speakers are frequently constrained as to location, dependent upon construction of the area in which the speaker is to be mounted. Therefore, the wall mounted speaker may be installed in a location that is not optimal for directing the speakers. Thus, the ability to translate or pivot the midrange/tweeter module to aim in a particular direction addresses this problem. This is especially true for midrange and tweeter speakers because they are responsive to higher frequencies, and are therefore more directional. Furthermore, it is important to maintain or conserve the three speaker coaxial arrangement for optimum sound and frequency characteristics.

The Kashiwabara reference is the only cited reference which discloses a three speaker coaxial system. However, each of the three speakers appear to be in a fixed position relative to the other, i.e. non-translatable.

The David reference discloses a two speaker coaxial system, where the tweeter is translatable relative to a fixed midrange speaker. The David reference does not disclose a three speaker coaxial system, nor does it disclose a construction where in the midrange

and tweeter module which collectively rotate. In the David reference, the midrange speaker remains in a static position within the speaker frame.

The Schroeder reference discloses a tri-axial three speaker system wherein each of the three speakers is statically positioned, oriented upon a separate axis. In other embodiments Schroeder discloses a construction where two speakers are disposed in a fixed orientation along a common axis, with one or more additional speakers disposed in a fixed orientation on a separate axis(es). As such, the Schroeder reference appears to add nothing to the disclosure of the Kashiwabara reference.

The Examiner relies heavily upon the disclosure in the Gefvert reference in relation to a translatable midrange/tweeter module. However, the Gefvert disclosure does not include or suggest a coaxial three speaker system of any form. Instead the Gefvert system is directed to a tri-axial three speaker system.(Column 6 line 5) The Gefvert construction allows the complete removal of the two axis midrange/tweeter module from the construction for use in a separate location. As such, the Gefvert disclosure does not include a midrange/tweeter module that is either co-axially positioned or translatable while it remains secured to the remaining speaker. More specifically, Gefvert does not disclose or suggest a construction wherein the midrange/tweeter module is rotatable about a speaker axis common to all three speakers, while it is maintained in position by the yoke.

Indeed, the two-axis midrange/tweeter module in the Gefvert reference does not even appear to be translatable relative to the support housing. As such, the disclosure in the Gefvert reference appears to provide no disclosure or motivation to reach the present invention, and appears to be significantly less pertinent than the David reference, which at least includes a coaxial midrange/tweeter construction with a translatable tweeter.

The Examiner relies upon the Gefvert reference to provide motivation for inclusion of a translatable midrange speaker and tweeter ("Gefvert, whom teaches the

importance of translatable midrange speakers and tweeters...") Office Action dated March 3rd, 2007. However, applicant submits that Gefvert provides no such motivation. In Gefvert, the midrange and tweeter speakers are arranged on separate axis on a planar surface, which is either connected to the speaker frame or removed from the speaker frame. The structure incorporating the midrange and tweeter module is not "translatable" relative to the speaker surface. It can simply be unscrewed and moved to another location, but not translated within the speaker. Moreover, the midrange/tweeter "module" disclosed in Gefvert is not connected to or coaxial with the woofer. Moreover, applicants claim language specifies that the midrange/tweeter module is not simply movable, or translatable, but specifically that the module is rotatable about the central speaker axis. Gefvert provides no such motivation.

Claims 2-12 and 14-15

In the Office Action, Claims 2-12 and 14-15 were rejected under 35 U.S.C. § 103(a). However, the above-identified prior art references do not address the shortcomings of the David et al., Schroeder et al., Gefvert and Kashiwabara references with respect to a three-way coaxial speaker system having a midrange/tweeter module translatable and rotatable about the central speaker axis.

Therefore, the rejection over claims 2-12 and 14-15 are believed to be in condition for allowance.

CONCLUSION

For the foregoing reasons, Applicant respectfully submits that the claims as amended are now in condition for allowance. An early notice to such effect is therefore respectfully requested. Should any outstanding matters remain, or should the Examiner have any suggestions for expediting allowance of the application, the Examiner is invited to contact Applicant's representative at the telephone number listed below.

If any additional fee is required, please charge Deposit Account #19-4330.

Respectfully submitted,

Date: Sept 5, 2007 By: _____

Customer No.: 007663

Bruce B. Brunda
Registration No. 28,497
STETINA BRUNDA GARRED & BRUCKER
75 Enterprise, Suite 250
Aliso Viejo, California 92656
Telephone: (949) 855-1246

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